

GUIDELINES FOR PROCESSING CIRCUIT AND DISTRICT COURT CASES UNDER DEFERRED JUDGMENT OF GUILT AND DELAYED SENTENCE STATUTES

The difference between a deferred judgment of guilt and a delayed sentence is that with a deferred judgment of guilt, although a plea may be taken, an adjudication of guilt is not entered at that time, but rather, is deferred until either successful completion of probation or violation occurs. A delayed sentence requires an adjudication of guilt to be entered by the court at the time a plea is taken.

Both deferred judgment of guilt and delayed sentences are reported on Caseload Part 2 as disposed by guilty plea, jury verdict, or bench verdict. They are not reported again at final disposition. They are reported on Caseload Part 4 as disposed.

Revised March 24, 2005

Statute	Monetary Assessments	Non-Public Record Status	Reporting Requirements
<p>MCL 436.1703 MIP effective 9/1/04</p> <p>Deferred Judgment of Guilt – Adjudication of guilt/responsibility is not entered.</p>	<p>Fines – Yes Costs – Yes Minimum State Cost – Yes (if any combination of fines, costs, assessments are ordered; otherwise, optional) Circuit Court Probation Supervision Fees – Yes District Court Probation Oversight Costs – Yes Crime Victim Rights – No</p> <p>Bond shall be applied to monetary sanctions.¹</p>	<p>The entire file becomes a non-public record <i>while proceedings are deferred and the individual is on probation</i>. The entire file includes recordings of court proceedings and transcripts. The record becomes public upon conviction or dismissal.²</p>	<p>Report deferred status as 1360R to SOS when deferred status granted and defendant is placed on probation. Include sentencing information for the Drunk Driving Audit. Report final disposition for either conviction or dismissal to SOS at disposition.</p>
<p>MCL 600.1070(b)(i) Drug Court legislation eff. 1/1/05</p> <p>Deferred Judgment of Guilt – Adjudication of guilt/responsibility is not entered.</p> <p>Applicable only to those individuals who pled guilty to an offense that is not a traffic offense and who may be eligible for discharge and dismissal upon successful completion of the drug treatment court program.</p> <p>*Drug Court legislation may be applicable under MCL 762.13 HYTA, MCL 333.7411, MCL 769.4a Domestic Violence, MCL 750.350a Parental Kidnapping, and MCL 750.430 Licensed Health Care Professional Practicing Under the Influence deferrals</p>	<p>During pendency of deferral: Fines – Yes Costs – Yes Minimum State Cost – Yes (if any combination of fines, costs, assessments are ordered; otherwise, optional). Circuit Court Probation Supervision Fees – Yes District Court Probation Oversight Costs – Yes Crime Victim Rights – Yes for all felony convictions, or if a Specified or Serious Misdemeanor. Drug Treatment Court Fee – Yes Costs of Treatment and Program Services – Yes</p> <p>Bond shall be applied to monetary sanctions.¹</p> <p>If deferral fails and conviction is entered, see footnote 9 for applicable assessments.</p>	<p>Drug Court participation and treatment information becomes a non-public record <i>after the order of discharge or dismissal is entered</i>. The entire file includes recordings of court proceedings and transcripts. Any statement or other information obtained as a result of participating in a preadmission screening and evaluation assessment under subsection (3) is confidential and is exempt from disclosure under the freedom of information act and shall not be used in a criminal prosecution, unless it reveals criminal acts other than, or inconsistent with, personal drug use. [MCL 600.1064(4)]³</p>	<p>Report deferred status on DC 243 or CC 243a or electronically to MSP. Report final disposition for either conviction or dismissal to MSP.</p>

Statute	Monetary Assessments	Non-Public Record Status	Reporting Requirements
MCL 762.13 HYTA Deferred Judgment of Guilt – Adjudication of guilt/responsibility is not entered.	During pendency of deferral: Fines – Yes Costs – Limited ¹⁰ Minimum State Cost – Yes (if any combination of fines, costs, assessments are ordered; otherwise, optional). Circuit Court Probation Supervision Fees – Yes District Court Probation Oversight Costs – Yes Crime Victim Rights – No Bond shall be applied to monetary sanctions. ¹ If deferral fails and conviction is entered see footnote 9 for applicable assessments.	The entire file becomes a non-public record <i>upon the decision by the court to apply HYTA</i> status to the case and until such time (if any) when the case loses its HYTA status. The entire file includes recordings of court proceedings and transcripts. ⁴	Report deferred status on MC 242 or electronically to MSP. Report final disposition for either conviction or dismissal to MSP.
MCL 333.7411 Controlled Substance Deferred Judgment of Guilt – Adjudication of guilt/responsibility is not entered.	During pendency of deferral: Fines – No Costs – Limited ¹⁰ Minimum State Cost – Yes (if any combination of fines, costs, assessments are ordered; otherwise, optional) Circuit Court Probation Supervision Fees – Yes District Court Probation Oversight Costs – Yes Crime Victim Rights – No Bond shall be applied to monetary sanctions. ¹ If deferral fails and conviction is entered, see footnote 9 for applicable assessments.	The entire file becomes a non-public record <i>after the order of discharge from probation is entered.</i> The entire file includes recordings of court proceedings and transcripts. ⁵	Report deferred status on DC 243 or CC 243a or electronically to MSP. Report final disposition for either conviction or dismissal to MSP.
MCL 769.4a Domestic Violence Deferred Judgment of Guilt – Adjudication of guilt/responsibility is not entered.	During pendency of deferral: Fines – No Costs – Limited ¹⁰ Minimum State Cost – Yes (if any combination of fines, costs, assessments are ordered; otherwise, optional). Circuit Court Probation Supervision Fees – Yes District Court Probation Oversight Costs – Yes Crime Victim Rights – No Bond shall be applied to monetary sanctions. ¹ If deferral fails and conviction is entered see footnote 9 for applicable assessments.	The entire file becomes a non-public record <i>after the order of discharge from probation is entered.</i> The entire file includes recordings of court proceedings and transcripts. ⁶	Report deferred status on DC 243 or CC 243a or electronically to MSP. Report final disposition for either conviction or dismissal to MSP.

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<p>MCL 750.350a Parental Kidnapping</p> <p>Deferred Judgment of Guilt – Adjudication of guilt/responsibility is not entered.</p>	<p>During pendency of deferral: Fines – No Costs – Limited¹⁰ Minimum State Cost – Yes (if any combination of fines, costs, assessments are ordered; otherwise, optional). Circuit Court Probation Supervision Fees – Yes District Court Probation Oversight Costs – N/A Crime Victim Rights – No</p> <p>Bond shall be applied to monetary sanctions.¹</p> <p>If deferral fails and conviction is entered see footnote 9 for applicable assessments.</p>	<p>The entire file becomes a non-public record <i>after the order of discharge from probation is entered.</i> The entire file includes recordings of court proceedings and transcripts. ⁷</p>	<p>Report deferred status on DC 243 or CC 243a or electronically to MSP. Report final disposition for either conviction or dismissal to MSP.</p>
<p>MCL 750.430 Licensed Health Care Professional Practicing Under the Influence</p> <p>Deferred Judgment of Guilt – Adjudication of guilt/responsibility is not entered.</p>	<p>During pendency of deferral: Fines – No Costs – Limited¹⁰ Minimum State Cost – Yes (if any combination of fines, costs, assessments are ordered; otherwise, optional). Circuit Court Probation Supervision Fees – Yes District Court Probation Oversight Costs –Yes Crime Victim Rights – No</p> <p>Bond shall be applied to monetary sanctions.¹</p> <p>If deferral fails and conviction is entered, see footnote 9 for applicable assessments.</p>	<p>The entire file becomes a non-public record <i>after the order of discharge from probation is entered.</i> The entire file includes recordings of court proceedings and transcripts. ⁸</p>	<p>Report deferred status on DC 243 or CC 243a or electronically to MSP. Report final disposition for either conviction or dismissal to MSP</p>
<p>MCL 771.1 Delayed Sentence</p> <p>Adjudication of guilt/responsibility is entered.</p>	<p>During pendency of delay: Fines – No Costs – Limited¹⁰ Minimum State Cost – Yes (if any combination of fines, costs, assessments are ordered; otherwise, optional). Circuit Court Probation Supervision Fees – Yes District Court Probation Oversight Costs –Yes Crime Victim Rights – Yes for all felony convictions, or if a Specified or Serious Misdemeanor.</p> <p>Bond shall be applied to monetary sanctions.¹</p> <p>If conviction is entered, see footnote 9 for applicable assessments.</p>	<p>The entire file <i>remains public at all times.</i></p>	<p>Report final disposition of conviction on MC 219, CC 219a, DC 243, or CC 243a, or electronically to MSP.</p> <p>Report final disposition of dismissal on MC 262 or electronically to MSP.</p>

1. Any bond posted in the defendant's name shall be applied to fines and costs. Any bond posted in another's name shall be returned. [MCR 6.106(I)]
2. The non-public record shall be furnished to any of the following: (a) to a court, prosecutor, or police agency upon request for the purpose of determining if an individual has already utilized the subsection and, (b) to the department of corrections, a prosecutor, or a law enforcement agency, upon request, subject to the following conditions: (i) at the time of the request, the individual is an employee of the department of corrections, the prosecutor, or the law enforcement agency, or an applicant for employment with the department of corrections, the prosecutor, or the law enforcement agency, (ii) the record is used by the department of corrections, the prosecutor, or the law enforcement agency **only** to determine whether an employee has violated his or her conditions of employment or whether an applicant meets the criteria for employment. The non-public record shall also be open for use by the Department of Defense, the Department of State, the Department of Transportations, the Office of Personnel Management, the CIA and the FBI **only** for the purpose of determining eligibility for: (a) access to classified information, (b) assignment to or retention in sensitive national security duties, (c) acceptance or retention in the armed forces, and (d) appointment, retention, or assignment to a position of public trust or a critical or sensitive position while either employed by the government or performing a government contract. [5 USCS 9101(a) and (b)]. A defendant shall be allowed access to his or her court file even if it is being maintained as a non-public record.
3. The non-public record shall be open to the courts of this state, another state, or the United States, the department of corrections, law enforcement personnel, and prosecutors **only** for use in the performance of their duties or to determine whether an employee of the court, department, law enforcement agency, or prosecutor's office has violated his or her conditions of employment or whether an applicant meets criteria for employment with the court, department, law enforcement agency, or prosecutor's office. The non-public record shall also be open for use by the Department of Defense, the Department of State, the Department of Transportations, the Office of Personnel Management, the CIA and the FBI **only** for the purpose of determining eligibility for: (a) access to classified information, (b) assignment to or retention in sensitive national security duties, (c) acceptance or retention in the armed forces, and (d) appointment, retention, or assignment to a position of public trust or a critical or sensitive position while either employed by the government or performing a government contract. [5 USCS 9101(a) and (b)]. A defendant shall be allowed access to his or her court file even if it is being maintained as a non-public record.
4. The non-public record shall be open to the courts of this state, the department of corrections, the Family Independence Agency, law enforcement personnel, and prosecuting attorneys, **only** for use in the performance of their duties. The non-public record shall also be open for use by the Department of Defense, the Department of State, the Department of Transportations, the Office of Personnel Management, the CIA and the FBI **only** for the purpose of determining eligibility for: (a) access to classified information, (b) assignment to or retention in sensitive national security duties, (c) acceptance or retention in the armed forces, and (d) appointment, retention, or assignment to a position of public trust or a critical or sensitive position while either employed by the government or performing a government contract. [5 USCS 9101(a) and (b)]. A defendant shall be allowed access to his or her court file even if it is being maintained as a non-public record.
5. The non-public record shall be furnished: (a) to a court, police agency, or prosecutor upon request only for the purposes of determining whether the defendant in a criminal action is eligible for discharge and dismissal of proceedings by a drug treatment court pursuant to MCL 600.1076 or to show a defendant in a criminal action involving a controlled substance has already once utilized the statute/section, and (b) to the state department of corrections, a law enforcement agency, a court, or the office of a prosecuting attorney upon request of the department, law enforcement agency, court, or office of a prosecuting attorney, subject to all of the following conditions: (i) at the time of the request, the individual is an employee of the department, law enforcement agency, court, or office of prosecuting attorney or an applicant for employment with the department, law enforcement agency, court, or office of prosecuting attorney, (ii) if the individual is an employee of the department, law enforcement agency, court, or prosecuting attorney, the date on which the court placed the individual on probation occurred after March 25, 2002, and (iii) the record shall be used by the department of corrections, law enforcement agency, court, or prosecuting attorney **only** to determine whether an employee has violated his or her conditions of employment or whether an applicant meets criteria for employment. The non-public record shall also be open for use by the Department of Defense, the Department of State, the Department of Transportations, the Office of Personnel Management, the CIA and the FBI **only** for the purpose of determining eligibility for: (a) access to classified information, (b) assignment to or retention in sensitive national security duties, (c) acceptance or retention in the armed forces, and (d) appointment, retention, or assignment to a position of public trust or a critical or sensitive position while either employed by the government or performing a government contract. [5 USCS 9101(a) and (b)]. A defendant shall be allowed access to his or her court file even if it is being maintained as a non-public record.
6. The non-public record shall be furnished to a court or police agency upon request, or to an office of prosecuting attorney **only** for the purpose of showing that a defendant in a criminal action under MCL 750.81 and 750.81a, or a local ordinance substantially corresponding to section 81 of that act has already once availed himself or herself of this section or for the purpose of determining whether the defendant in a criminal action is eligible for discharge and dismissal of proceedings by a drug treatment court under MCL 600.1076. The non-public record shall also be open for use by the Department of Defense, the Department of State, the Department of Transportations, the Office of Personnel Management, the CIA and the FBI **only** for the purpose of determining eligibility for: (a) access to classified information, (b) assignment to or retention in sensitive national security duties, (c) acceptance or retention in the armed forces, and (d) appointment, retention, or assignment to a position of public trust or a critical or sensitive position while either employed by the government or performing a government contract. [5 USCS 9101(a) and (b)]. A defendant shall be allowed access to his or her court file even if it is being maintained as a non-public record.

7. The non-public record shall be furnished to either or both of the following: (a) to a court or police agency upon request **only** for the purpose of showing that a defendant in a criminal action has already availed himself or herself of this subsection, and (b) to a court, police agency, or prosecutor upon request **only** for the purpose of determining whether the defendant in a criminal action is eligible for discharge and dismissal of proceedings by a drug treatment court under MCL 600.1076. The non-public record shall also be open for use by the Department of Defense, the Department of State, the Department of Transportations, the Office of Personnel Management, the CIA and the FBI **only** for the purpose of determining eligibility for: (a) access to classified information, (b) assignment to or retention in sensitive national security duties, (c) acceptance or retention in the armed forces, and (d) appointment, retention, or assignment to a position of public trust or a critical or sensitive position while either employed by the government or performing a government contract. [5 USCS 9101(a) and (b)] . A defendant shall be allowed access to his or her court file even if it is being maintained as a non-public record.

8. The non-public record shall only be furnished to either or both of the following: (a) to a court or police agency upon request **only** for the purpose of showing whether the individual accused of violating this section has already once utilized this subdivision, and (b) to a court, police agency, or prosecutor upon request **only** for the purpose of determining whether the defendant in a criminal action is eligible for discharge and dismissal of proceedings by a drug treatment court under MCL 600.1076. The non-public record shall also be open for use by the Department of Defense, the Department of State, the Department of Transportations, the Office of Personnel Management, the CIA and the FBI **only** for the purpose of determining eligibility for: (a) access to classified information, (b) assignment to or retention in sensitive national security duties, (c) acceptance or retention in the armed forces, and (d) appointment, retention, or assignment to a position of public trust or a critical or sensitive position while either employed by the government or performing a government contract. [5 USCS 9101(a) and (b)]. A defendant shall be allowed access to his or her court file even if it is being maintained as a non-public record.

9. **Fines** – Yes; **Costs** – Yes; **Minimum State Cost** – Yes (if any combination of fines, costs, assessments are ordered; otherwise, optional); **Circuit Court Probation Supervision Fees**– Yes; **District Court Probation Oversight Costs** (if applicable) – Yes; **Crime Victim Rights** – Yes for all felony convictions, or if a Specified or Serious Misdemeanor; **Drug Treatment Court Fee** (if applicable) – Yes; **Costs of Treatment and Program Services** (if applicable) – Yes

10. Costs are limited to the expenses specifically incurred in prosecuting the defendant or providing legal assistance to the defendant and supervision of the probationer.